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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 WRI GOLDEN STATE, LLC, No. C-07-01480 MMC (JCS)
9 Plaintiff(s),

10 v. **DENYING IN PART MOTION FOR**
11 SAVE MART SUPERMARKETS, **PROTECTIVE ORDER [Docket No. 19]**
Defendant(s).

13 Defendant, Save Mart Supermarkets (hereinafter “Defendant”), filed a motion for protective
14 order (the “Motion”) [Document No. 19] against Plaintiff. All of the issues raised by the motion
15 were resolved between the parties except for the attorney-client privilege issues decided by this
16 Order. Accordingly, except as described below, the Motion is DENIED as moot.

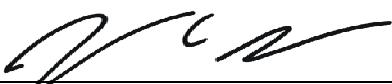
17 The motion came on for hearing on Friday, March 14, 2008, at 9:30 a.m. John D. Fairbrook
18 appeared on behalf of Plaintiff; Daniel Muller appeared on behalf of Defendant. For the reasons
19 stated on the record, and good cause appearing, IT IS HEREBY ORDERED as follows:

United States District Court
For the Northern District of California

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2 3. Consulting agreements between Defendant and Mr. Watt, payments by Defendant to
3 Mr. Watt, and payments by Defendant of fees in the *Citizens* suit, are not privileged,
4 and are not protected by the attorney work product doctrine.
5 4. Communications between Defendant and Mr. Kopper on the subjects described above
6 do not lose their privileged character by disclosure of such communication to the
7 plaintiffs in the *Citizens* suit. Similarly, communications between the plaintiffs in the
8 *Citizens* suit and their counsel Mr. Kopper on the subjects described above do not
9 lose their privileged character by disclosure to Defendant in this case.

10 IT IS SO ORDERED.

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12 Dated: March 18, 2007


JOSEPH C. SPERO
United States Magistrate Judge

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